



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB3541

by Rep. Emily McAsey

SYNOPSIS AS INTRODUCED:

20 ILCS 3125/1
20 ILCS 3125/5
20 ILCS 3125/10
20 ILCS 3125/15
20 ILCS 3125/20
20 ILCS 3125/25
20 ILCS 3125/30
20 ILCS 3125/40
20 ILCS 3125/45

Amends the Energy Efficient Building Act. Renames it as the "Energy Efficient Building and Green Construction Act". Provides findings as they relate to green construction. Defines "Green Code". Provides exemptions and applicability of the Green Code. Makes related changes. Effective immediately.

LRB099 11070 SXM 31671 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning State government.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Energy Efficient Building Act is amended by
5 changing Sections 1, 5, 10, 15, 20, 25, 30, 35, 40, and 45 as
6 follows:

7 (20 ILCS 3125/1)

8 Sec. 1. Short title. This Act may be cited as the Energy
9 Efficient Building and Green Construction Act.

10 (Source: P.A. 96-778, eff. 8-28-09.)

11 (20 ILCS 3125/5)

12 Sec. 5. Findings.

13 (a) The legislature finds that an effective energy
14 efficient building and green construction code is essential to:

15 (1) reduce the air pollutant emissions from energy
16 consumption that are affecting the health of residents of
17 this State;

18 (2) moderate future peak electric power demand;

19 (3) assure the reliability of the electrical grid and
20 an adequate supply of heating oil and natural gas; ~~and~~

21 (4) control energy costs for residents and businesses
22 in this State; ~~and~~

1 (5) ensure clean water, reduced flooding, and enhanced
2 water supplies;

3 (6) provide for mitigation and adaptation to the
4 impacts of climate change;

5 (7) benefit both wildlife habitat and community
6 health; and

7 (8) create green jobs and cost savings.

8 (b) The legislature further finds that this State has a
9 number of different climate types, all of which require energy
10 for both cooling and heating, and that there are many
11 cost-effective measures that can reduce peak energy use and
12 reduce cooling, heating, lighting, and other energy costs in
13 buildings.

14 (Source: P.A. 96-778, eff. 8-28-09.)

15 (20 ILCS 3125/10)

16 Sec. 10. Definitions.

17 "Board" means the Capital Development Board.

18 "Building" includes both residential buildings and
19 commercial buildings.

20 "Green Code" means the latest published editions ~~edition~~ of
21 the International Code Council's International Energy
22 Conservation Code and International Green Construction Code,
23 as adopted by the Board, excluding published supplements but
24 including the amendments and adaptations to either ~~the~~ Code
25 that are made by the Board.

1 "Commercial building" means any building except a building
2 that is a residential building, as defined in this Section.

3 "Department" means the Department of Commerce and Economic
4 Opportunity.

5 "Municipality" means any city, village, or incorporated
6 town.

7 "Residential building" means (i) a detached one-family or
8 2-family dwelling or (ii) any building that is 3 stories or
9 less in height above grade that contains multiple dwelling
10 units, in which the occupants reside on a primarily permanent
11 basis, such as a townhouse, a row house, an apartment house, a
12 convent, a monastery, a rectory, a fraternity or sorority
13 house, a dormitory, and a rooming house; provided, however,
14 that when applied to a building located within the boundaries
15 of a municipality having a population of 1,000,000 or more, the
16 term "residential building" means a building containing one or
17 more dwelling units, not exceeding 4 stories above grade, where
18 occupants are primarily permanent.

19 (Source: P.A. 96-778, eff. 8-28-09; 97-1033, eff. 8-17-12.)

20 (20 ILCS 3125/15)

21 Sec. 15. Green Energy Efficient Building Code. The Board,
22 in consultation with the Department, shall adopt the
23 International Energy Conservation Code and the International
24 Green Construction Code, ~~Code~~ as minimum requirements for
25 commercial buildings, applying to the construction of,

1 renovations to, and additions to all commercial buildings in
2 the State. The Board, in consultation with the Department,
3 shall also adopt the International Energy Conservation Code as
4 the minimum and maximum requirements for residential
5 buildings, applying to the construction of all residential
6 buildings in the State, except as provided for in Section 45 of
7 this Act. The Board may appropriately adapt the International
8 Energy Conservation Code and the International Green
9 Construction Code, to apply to the particular economy,
10 population distribution, geography, and climate of the State
11 and construction therein, consistent with the public policy
12 objectives of this Act.

13 (Source: P.A. 96-778, eff. 8-28-09.)

14 (20 ILCS 3125/20)

15 Sec. 20. Applicability.

16 (a) The Board shall review and adopt the International
17 Energy Conservation Code and the International Green
18 Construction Code within one year after their ~~its~~ publication.
19 The Codes Code shall take effect within 6 months after they are
20 ~~it is~~ adopted by the Board, except that, beginning January 1,
21 2012, the International Energy Conservation Code adopted in
22 2012 shall take effect on January 1, 2013, and shall apply to
23 any new building or structure in this State for which a
24 building permit application is received by a municipality or
25 county, except as otherwise provided by this Act. In the case

1 of any addition, alteration, renovation, or repair to an
2 existing commercial structure, the Green Code adopted under
3 this Act applies only to the portions of that structure that
4 are being added, altered, renovated, or repaired. The changes
5 made to this Section by Public Act 97-1033 ~~this amendatory Act~~
6 ~~of the 97th General Assembly~~ shall in no way invalidate or
7 otherwise affect contracts entered into on or before August 17,
8 2012 (the effective date of Public Act 97-1033) ~~this amendatory~~
9 ~~Act of the 97th General Assembly~~. The changes made to this
10 Section by this amendatory Act of the 99th General Assembly
11 shall in no way invalidate or otherwise affect contracts
12 entered into on or before the effective date of this amendatory
13 Act of the 99th General Assembly.

14 (b) The following buildings shall be exempt from the Green
15 Code, or portions thereof as set forth below:

16 (1) Buildings otherwise exempt from the provisions of a
17 locally adopted building code are exempt from the Green
18 Code. Buildings and buildings that do not contain a
19 conditioned space are exempt from the International Energy
20 Conservation Code.

21 (2) Buildings that do not use either electricity or
22 fossil fuel for comfort conditioning are exempt from the
23 International Energy Conservation Code. For purposes of
24 determining whether this exemption applies, a building
25 will be presumed to be heated by electricity, even in the
26 absence of equipment used for electric comfort heating,

1 whenever the building is provided with electrical service
2 in excess of 100 amps, unless the code enforcement official
3 determines that this electrical service is necessary for
4 purposes other than providing electric comfort heating.

5 (3) Historic buildings are exempt from the Green Code.
6 This exemption shall apply to those buildings that are
7 listed on the National Register of Historic Places or the
8 Illinois Register of Historic Places, and to those
9 buildings that have been designated as historically
10 significant by a local governing body that is authorized to
11 make such designations.

12 (4) (Blank).

13 (5) Other buildings specified as exempt by the
14 International Energy Conservation Code or the
15 International Green Construction Code.

16 (c) Additions, alterations, renovations, or repairs to an
17 existing building, building system, or portion thereof shall
18 conform to the provisions of the Green Code as they relate to
19 new construction without requiring the unaltered portion of the
20 existing building or building system to comply with the Green
21 Code. The following need not comply with the International
22 Energy Conservation Code, provided that the energy use of the
23 building is not increased: (i) storm windows installed over
24 existing fenestration, (ii) glass-only replacements in an
25 existing sash and frame, (iii) existing ceiling, wall, or floor
26 cavities exposed during construction, provided that these

1 cavities are filled with insulation, and (iv) construction
2 where the existing roof, wall, or floor is not exposed.

3 (d) A unit of local government that does not regulate
4 energy efficient building or green construction standards is
5 not required to adopt, enforce, or administer the Green Code;
6 however, any energy efficient building or green construction
7 standards adopted by a unit of local government must comply
8 with this Act. If a unit of local government does not regulate
9 energy efficient building or green construction standards, any
10 construction, renovation, or addition to buildings or
11 structures is subject to the provisions contained in this Act.
12 (Source: P.A. 96-778, eff. 8-28-09; 97-1033, eff. 8-17-12.)

13 (20 ILCS 3125/25)

14 Sec. 25. Technical assistance.

15 (a) The Department shall make available to builders,
16 designers, engineers, and architects implementation materials
17 and training to explain the requirements of the Green Code and
18 describe methods of compliance acceptable to Green Code
19 Enforcement Officials.

20 (b) The materials shall include software tools, simplified
21 prescriptive options, and other materials as appropriate. The
22 simplified materials shall be designed for projects in which a
23 design professional may not be involved.

24 (c) The Department shall provide local jurisdictions with
25 technical assistance concerning implementation and enforcement

1 of the Green Code.

2 (Source: P.A. 97-1033, eff. 8-17-12.)

3 (20 ILCS 3125/30)

4 Sec. 30. Enforcement. The Board, in consultation with the
5 Department, shall determine procedures for compliance with the
6 Green Code. These procedures may include but need not be
7 limited to certification by a national, State, or local
8 accredited energy conservation or green construction program
9 or inspections from private Code-certified inspectors using
10 the Green Code.

11 (Source: P.A. 93-936, eff. 8-13-04.)

12 (20 ILCS 3125/40)

13 Sec. 40. Input from interested parties. When developing
14 Green Code adaptations, rules, and procedures for compliance
15 with the Green Code, the Capital Development Board, or the
16 Illinois Building Commission as directed by the Board, shall
17 seek input from representatives from the building trades,
18 design professionals, construction professionals, code
19 administrators, and other interested entities affected.

20 (Source: P.A. 93-936, eff. 8-13-04.)

21 (20 ILCS 3125/45)

22 Sec. 45. Home rule.

23 (a) No unit of local government, including any home rule

1 unit, may regulate energy efficient building or green
2 construction standards for commercial buildings in a manner
3 that is less stringent than the provisions contained in this
4 Act.

5 (b) No unit of local government, including any home rule
6 unit, may regulate energy efficient building standards for
7 residential buildings in a manner that is either less or more
8 stringent than the standards established pursuant to this Act;
9 provided, however, that the following entities may regulate
10 energy efficient building standards for residential buildings
11 in a manner that is more stringent than the provisions
12 contained in this Act: (i) a unit of local government,
13 including a home rule unit, that has, on or before May 15,
14 2009, adopted or incorporated by reference energy efficient
15 building standards for residential buildings that are
16 equivalent to or more stringent than the 2006 International
17 Energy Conservation Code, (ii) a unit of local government,
18 including a home rule unit, that has, on or before May 15,
19 2009, provided to the Capital Development Board, as required by
20 Section 55 of the Illinois Building Commission Act, an
21 identification of an energy efficient building code or
22 amendment that is equivalent to or more stringent than the 2006
23 International Energy Conservation Code, and (iii) a
24 municipality with a population of 1,000,000 or more.

25 (c) No unit of local government, including any home rule
26 unit or unit of local government that is subject to State

1 regulation under the Green Code as provided in Section 15 of
2 this Act, may hereafter enact any annexation ordinance or
3 resolution, or require or enter into any annexation agreement,
4 that imposes energy efficient building or green construction
5 standards for residential buildings that are either less or
6 more stringent than the energy efficiency or green construction
7 standards in effect, at the time of construction, throughout
8 the unit of local government.

9 (d) This Section is a denial and limitation of home rule
10 powers and functions under subsection (i) of Section 6 of
11 Article VII of the Illinois Constitution on the concurrent
12 exercise by home rule units of powers and functions exercised
13 by the State. Nothing in this Section, however, prevents a unit
14 of local government from adopting an energy efficiency or green
15 construction code or standards for commercial buildings that
16 are more stringent than the Green Code under this Act.

17 (Source: P.A. 96-778, eff. 8-28-09.)

18 Section 99. Effective date. This Act takes effect upon
19 becoming law.